

Remarks

Claims 1, 3-15 and 17-18, as amended, are currently pending for the Examiner's review and consideration. Claims 2, 16, 19, and 20 have been canceled.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Claims 1, 3-12 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,078,908 to Schmitz (hereinafter "Schmitz") in view of U.S. Pat. No. 5,675,630 to Beatty (hereinafter "Beatty") and US 2001/0027449 to Wright. Claims 13, 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz in view of Wright.

Independent claims 1, 13 and 14 have been amended to require that the check of the payment framework takes place before the actual payment process. Support for this amendment may be found, at least, on page 12, lines 7-10 and page 30 lines 17-19. No new matter has been added.

As amended, all three independent claims comprise the feature of transmitting from the mobile telephone to the identification module a maximum amount for a payment as a payment framework. The examiner alleges that this feature is shown by paragraph 0045 of the Wright reference. This paragraph states that

As one skilled in the art will appreciate, the invention disclosed herein contemplates embodiments and modifications, including the following. In one embodiment, the IICSP [instantaneous Internet charging service provider] acts as financial intermediary between the consumer and a service provider by including one or more software components to effect payment charging and collection. For example, the PC software component gathers credit or debit card information from the consumer and submits the same to the proper payment processing centers to process the charge at the end of the billing period for the consumer.

This means that the software components gathering credit or debit card information, which according to the examiner shows the feature of a maximum amount of payment, are used to "effect payment charging and collection." As an example, the disclosure teaches that the credit or debit card information is used to process the charge at the end of the billing period for the consumer.

In the charging method disclosed in Wright, the check of the credit or debit card

information thus takes place at “payment charging and collection,” (see paragraph 0045). On the contrary, the present invention as stated in the independent claims recites checking the payment framework defining a maximum amount for a payment before the actual payment charging.

This difference has the effect that, in according with the present invention, the actual payment procedure can be carried out substantially faster than the prior art method of Schmitz in combination with Wright. Checking the maximum amount for a payment as a payment framework, which necessarily takes a certain amount of time, can be carried out before the actual payment process, *i.e.*, before the actual payment charging. If the payment framework is valid, the actual payment then takes place simply and rapidly by the user inputting the identification number. This advantage is also discussed in the description, for example, on page 12, lines 4-13 and on page 30, lines 15-23.

A finding of obviousness depends on what the combined teachings of the references would have suggested to those of ordinary skill in the art. Wright does not suggest “transmitting a maximum amount for a payment as a payment framework ... wherein the check of the payment framework takes place before the actual payment process,” as claimed. Schmitz and Beatty cannot remedy this deficiency. A person of ordinary skill in this art would not have obtained the present invention, as currently claimed, by combining Wright with Schmitz and Beatty.

Hence, claim 1 is not obvious over a combination of Schmitz, Beatty and Wright, and claims 13 and 14 are not obvious over a combination of Schmitz and Wright. The other pending claims depend on one of these independent claims and recite further limitations therefrom.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

A Request for Continued Examination and payment for related fees are attached herewith. No other fee is believed due for this submission. If any other extension of time is required, it is hereby petitioned under 37 C.F.R. § 1.136, and if any other required fee is due, the Commissioner may charge the appropriate fees to The H.T. Than Law Group, Deposit Account

No. 50-1980.

Respectfully submitted,

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/H.T. Than/

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